

IN THE DRAWINGS:

The attached sheet of drawings includes changes to Fig. 6B.

Attachment: **Replacement Sheet**
 Annotated Sheet Showing Changes

REMARKS

This is intended as a full and complete response to the Office Action dated February 12, 2007, having a shortened statutory period for response set to expire on May 12, 2007. Please reconsider the claims pending in the application for reasons discussed below.

In the specification, the paragraphs [0009], [0025], [0036], [0047], [0055], and [0062] have been amended to correct minor editorial problems.

Claims 1-20 are pending in the application. Claims 1, 8, 9 and 15 have been amended. Applicants submit that the amendments do not introduce new matter.

Drawing Objections

The drawings are objected to because Fig 6B, the label "TO 610" and "TO 602" should be "TO 605" instead. The specification discloses that the step following steps 613, 617, 643, and 646 should be step 605 (see page 19, paragraph [0061]). Additionally, step 646 should read "TIE FUNCTIONALITY TO AGENT" instead of "THE FUNCTIONALITY TO AGENT".

Applicants have amended Figure 6B as requested by the Examiner. Accordingly, Applicants request that this objection be withdrawn.

Specification Objections

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The "template agent" of claim 9 lacks antecedent basis in the specification. Applicants have amended this claim as requested by the Examiner. Accordingly, Applicants request that this objection be withdrawn.

The Examiner objects to the specification based on minor informalities in paragraphs [0009], [0036], [0055], and [0062]. Applicants have amended these

paragraphs as requested by the Examiner. Accordingly, Applicants request that this objection be withdrawn.

Additionally, the Examiner objects to the specification stating:

The use of the trademark JAVA and C++ has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Applicants have amended the specification to properly use the trademark "Java" registered to Sun Microsystems, Inc. However, Applicants are unaware of trademark rights of any party in the generic term "C++", used in reference to the C++ programming language. Accordingly, Applicants request that this rejection be withdrawn, or alternatively, that the Examiner clarify his position regarding the generic term "C++."

Claim Rejections - 35 U.S.C. § 101

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 1 and 8:

The present rejection provides:

Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non- statutory subject matter. In claim 1, an "application development environment" is recited; however, it appears that the application development environment would reasonably be interpreted by one of ordinary skill in the art as software, per se, since the development template suite and the framework components would reasonably be interpreted by one of ordinary skill in the art as software, per se. As such, it is believed that the application development of claim 1 is reasonably interpreted as functional descriptive material, per se.

Claim 8 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non statutory subject matter. The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a judicial exception (software) is that the claimed invention recite a practical application. Practical application can be provided by a physical transformation or a useful, concrete and tangible result. No physical transformation is recited: the steps of providing templates, receiving user selections, and implementing functionalities are merely instructions within a computer program. The claim merely recite the steps associated with using a standard application development

template suite and does not recite a result, so it does not satisfy the requirement of producing a useful, concrete, and tangible result.

Office Action, p. 5-6. "In determining whether the claim is for a 'practical application,' the focus is not on whether the steps taken to achieve a particular result are useful, tangible, and concrete, but rather that the final result is 'useful, tangible and concrete.'" See *Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility*, 70 Fed. Reg. 75451 (Interim Guidelines) (citing *State Street Bank v. Signature Financial*, 149 F.3d at 1374, 47 USPQ2d at 1602). Claims 1 and 8 each this threshold. Claim 1 recites an application development environment configured to facilitate development of an application. The "final result" produced by the application development environment is that the software application is, in fact, generated, according to the specific process recited by claim 1. In addition to a standard development template suite, a plurality of framework components, and a global script library. Claim 1 also recites an application development program configured to perform a receiving step, a generating step, and finally, a step of integrating an application-specific copy of selected front-end templates, template agents, front-end core scripts, and backend-end core scripts into the application under development. Clearly, this result satisfies the requirements of 35 U.S.C. § 101. For the same reasons, Applicants submit that claims 2-7 and 9-14 are directed to statutory subject matter.

Similarly, claim 8 recites a method that includes steps of generating source code representing additional front-end functionality, not provided by the selected front-end template from a front-end core script library, generating source code representing back-end functionality from the selected template agent, generating source code representing additional back-end functionality, not provided by the selected template agent from a back-end core script library, and integrating the generated source code into the application under development. Clearly, the "final result" after this computer-implemented method is performed is that the portions of the application under development is, in fact, generated according to the method of claim 8, thereby providing a final result is "useful, tangible and concrete," as required under 35 U.S.C. § 101. For

the same reasons, Applicants submit that claims 9-14 are directed to statutory subject matter.

Regarding claim 15:

The present rejection provides:

With respect to claim 15, the "computer-readable medium," in accordance with applicant's specification, may be a signal-bearing medium (see page 6, paragraph [0022]). This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

Office Action, p. 7. With this response, Applicants have amended claim 15 to limit this claim to a computer-readable storage medium containing a program for developing an application. Applicants maintain that a computer readable storage medium containing a program is directed to patentable subject matter. A claimed invention is directed to a practical application of a § 101 judicial exception when it "transforms" an article or physical object to a different state or thing. MPEP § 2106.IV.C.2.(A). A computer readable storage medium is a physical article, and reading and/or writing a program from/onto a computer readable storage medium is a physical transformation of that physical article into a different state. As such, Applicants submit that claims 1 and 8 (and the claims dependent therefrom) are limited to tangible computer-readable media, and, are therefore statutory subject matter under 35 U.S.C. § 101. For the same reasons, Applicants submit that claims 16-20 are directed to statutory subject matter.

Rejections - 35 U.S.C. § 112

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended this claim as suggested by the Examiner. Accordingly, Applicants request that this rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 4, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Boudreau et al., "NetBeans: The Definitive Guide", 2002, (hereinafter NetBeans). Applicants respectfully traverse this rejection.

In this case, *NetBeans* does not disclose "each and every element as set forth in the claim." For example, *NetBeans* does not disclose an application development environment configured to facilitate development of an application, in the manner claimed. And, specifically, that includes an application development program configured to: receive a selection of at least one of the front-end templates, at least one of the template agents, at least one front-end core script, from the front-end core script library, and at least one backend-end core script, from the back-end core script library, generate source code for an application-specific copy of the selected template(s), agent(s), and scripts, and integrate the application-specific copy of the selected template(s), agent(s), and scripts, into the application under development.

The Examiner suggests that discloses *NetBeans* discloses front-end templates, template agents, front-end core scripts, and backend-end core scripts at pages 274-276 and 330-300. However, the cited pages are, in fact, directed to aspects of a Filesystems Application Program Interface (API) and a Mail API provided for Java Bean objects. As is well known, Java beans are classes written in the Java programming language. They are used to encapsulate many objects into a single object (the bean), so that the bean can be passed around rather than the individual objects. The specific filesystem and mail API's provide a collection of data and methods on that data that a programmer may include in a program to invoke the functionality captured by the methods. What none of this provides, however, are the template agents, front-end core scripts, back-end core scripts, as claimed. In fact, conspicuously absent from this material from *NetBeans* is any discussion of the template agents, front-end core scripts, back-end core scripts. Clearly, although the java JDK provides a development

environment that allows programmers to create java-based application programs, nothing in this material discloses the particular development constructs or methodology recited by the present claims. Accordingly, Applicants submit that claim 1 is patentable over *NetBeans*. For the same reasons, Applicants submit that claims 4, 6, and 7 are also patentable over *NetBeans*. Applicants respectfully request, therefore, that this rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 2 and 3 are rejected under 35 U.S.C 103(a) as being unpatentable over *NetBeans*. And Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over *NetBeans*, in view of *Saimi* (US 2001/0047402).

As Applicants believe the above discussion demonstrates that *Netbeans* fails to disclose the limitations of claim 1, Applicants submit that these dependent claims are allowable, and allowance of these claims is respectfully requested.

Claims 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Saimi* et al., (US 2001/0047402 A1, published: 11/29/2001), in view of et al. Sun Microsystems, "Building Web Components, Forte™ for Java™ Programming Series", 8/2001, (hereinafter Sun).

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the third criteria.

Like the rejection of claim 1, the Examiner rejects claims 8-20 by citing to a discussion of Java-specific programming constructs. Specifically, The Examiner suggests that *Saimi* discloses these elements at [0074], [0076], [0080], and [0085]. However, the cited passages are in fact directed to aspects of Java Beans, Java Server

pages, and servlets. As is well known, Java beans are classes written in the Java programming language. They are used to encapsulate many objects into a single object (the bean), so that the bean can be passed around rather than the individual objects. And Java Server Pages (JSP) is a Java-specific technology used to generate HTML, XML or other types of documents in response to a Web client request. The technology allows Java code and certain pre-defined actions to be embedded into static content using tags known as JSP actions. Also as is well known, JSPs are compiled into servlets.

For all the reasons set forth, above, these generic programming constructs fail to disclose a specific application development environment that provides and processes front-end templates, template agents, front-end core scripts, and backend-end core scripts, in the manner claimed by Applicants in claims 8 and 15.

Accordingly, Applicants submit that claim 8 and 15 are patentable over *Saimi*, in view of *Sun*. For the same reasons, Applicants submit that dependent claims 9-14 and 16-19 are also are patentable over *Saimi*, in view of *Sun*. Applicants respectfully request, therefore, that this rejection be withdrawn.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)